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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 DELANO CARROL NELSON,
13 Plaintiff,

14 vs.

15 UNITED STATES and DOES 1
16 Through 10, inclusive,
17 Defendants.

Case No: CV 12-05761 JC

**ORDER TO SHOW CAUSE RE
DISMISSAL**

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19 On July 3, 2012, plaintiff initiated this action by filing a Complaint for
20 Damages. On September 4, 2012, defendant United States filed an Answer. The
21 parties have consented to proceed before the undersigned United States Magistrate
22 Judge.
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24 On January 7, 2013, the Court held a scheduling conference and set dates in this
25 action, including a non-expert discovery cut-off deadline of April 15, 2013.
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27 On March 12, 2013, defendant filed a Motion to Compel, seeking to compel
28 plaintiff to respond to discovery requests which were propounded in October 2012 and

1 as to which responses were due in November 2012. Contrary to Local Rule 37-1,
2 plaintiff's counsel did not confer with defendant regarding the substance of such
3 motion. The Motion to Compel was noticed for hearing on April 9, 2013 at 10:00
4 a.m. Plaintiff did not file a response or opposition to the Motion to Compel.
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6 On March 29, 2013, this Court set a status conference for April 9, 2013 at 10:00
7 a.m., ordering all counsel of record to appear.
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9 On April 9, 2013, the case was called for a hearing on the Motion to Compel
10 and a status conference. Contrary to the March 29, 2013 Order, neither of plaintiff's
11 attorneys appeared. In response to the Court's inquiry, defendant's counsel
12 represented that despite the April 15, 2013 non-expert discovery cut-off, plaintiff had
13 propounded no discovery and had essentially done nothing on the case.
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16 **In light of the foregoing, plaintiff IS ORDERED TO SHOW CAUSE in**
17 **writing by not later than April 19, 2013, why this action should not be dismissed**
18 **for failure to prosecute and/or the failure to comply with a Court order. Plaintiff**
19 **is cautioned that the failure timely to respond to this Order to Show Cause**
20 **and/or to show good cause will result in the dismissal of this action for lack of**
21 **prosecution and/or the failure to comply with Court orders.**
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24 **IT IS SO ORDERED.**

25 Dated: April 9, 2013

26 _____
27 /s/
28 Hon. Jacqueline Chooljian
United States Magistrate Judge